



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John M. Packes, Jr. et al. →

For: SYSTEMS AND METHODS TO  
PROVIDE A PRODUCT TO A  
CUSTOMER BEFORE A FINAL  
TRANSACTION TERM VALUE  
IS ESTABLISHED

Examiner: — Not yet assigned

Serial No.: — Not yet assigned —

Group Art Unit: — Not yet assigned —

Filing Date: — September 29, 1999 —

Docket No.: — WD2-99-030 —

Assistant Commissioner for Patents  
Washington, D.C. 20231

## INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

- A. U. S. Patent No. 5,319,542 entitled "SYSTEM FOR ORDERING ITEMS USING AN ELECTRONIC CATALOGUE" issued to John E. King, Jr. et al. on June 7, 1994.
- B. U. S. Patent No. 5,642,279 entitled "TECHNIQUE FOR UTILIZING A COMPUTER SYSTEM TO PROVIDE PRICE PROTECTION TO RETAIL CUSTOMERS" issued to Samuel J. Bloomberg et al. on June 24, 1997.
- C. U. S. Patent No. 5,845,265 entitled "CONSIGNMENT NODES", issued to Thomas G. Woolston on December 1, 1998.
- D. Charles A. Knapp & Nathan M. Crystal, "Rules of Contract Law", Published by Little, Brown & Company, Copyright 1993 §2-305 at pg. 38.
- E. "The Right Of Return; A Holiday Tradition That Could Cost You a Bundle", PR Newswire, December 21, 1998, Financial News Section.
- F. "Buy Now...Pay Later", Gary Foreman,  
([wysiwyg://47/http://www.stretcher.com/stories/960422b.htm](http://www.stretcher.com/stories/960422b.htm)), download date: 4/15/99.
- G. "Hardware Features – Buy Now Pay Later",  
(<http://www.reserve.co.uk/www/public/catalogue/buynowpaylater.html>), download date:
- H. "Buy Now, Pay Later", Charles W. Kyd,  
(<http://www.inc.com/incmagazine/archives/08881011.html>), download date: 4/15/99.
- I. "Sales: Buy Now, Pay Later is Good Only If It's Interest Free",  
(<http://detnews.com1996/menu/stories/62386.htm>), download date: 4/15/99.

- J. “(1/29/99) Card Stuff Protection”,  
(<http://www.cardweb.com/cardtrak/news/1999/january/29a.html>), download date: 7/20/99.
- K. “Sales Circular – How to Get Price Protection”,  
(<http://www.salescircular.com/protectp.html>), download date: 7/20/99.
- L. “Pricing and Programs”, (<http://www.presentingsolutions.com/pricingandprograms.html>),  
download date: 7/20/99.

1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): \_\_\_\_\_.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): \_\_\_\_\_.
4. ☒ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
08/889,503	Walker et al.	07/08/97	2761	
09/083,345	Walker et al.	05/22/98	3617	
09/337,906	Walker et al.	06/22/99	2761	

The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- ☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
- ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

6. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
  - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
  - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
  - ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
  - ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.
10. ☐ I hereby certify:
- ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the

filing of this Information Disclosure Statement. A copy of such communication is enclosed.

- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

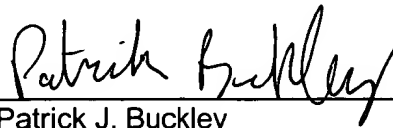
11. ☐ Please accept payment of the fees due as indicated below:

- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to **Deposit Account No. 50-0271**. A copy of this authorization is attached.

Respectfully submitted,

September 29, 1999  
Date

  
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